

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

SEP 24 2010

David J. Bradley, Clerk of Court

United States of America )

v. )

Hassan Ali Pejouhesh )

Case No. H10-951 M

W

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 24, 2009 in the county of Harris in the  
Southern District of Texas, the defendant(s) violated:

Code Section

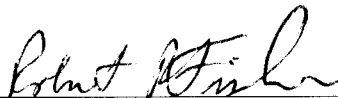
18 USC 1344

Offense Description

Bank Fraud

This criminal complaint is based on these facts:

See Attached Affidavit

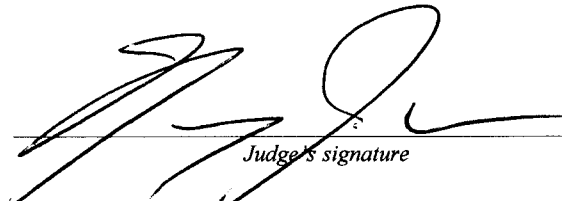
☒ Continued on the attached sheet.

Complainant's signature

Robert R. Fisher, United States Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date: 9-24-10City and state: Houston, Texas

Judge's signature

Nancy K. Johnson, United States Magistrate Judge

Printed name and title

### **Affidavit in Support of an Arrest Warrant**

1. Affiant, U.S. Postal Inspector Robert Fisher, has been employed by the United States Postal Inspection Service since June 1989. Affiant is currently assigned to the Mail Theft team in Houston, Texas. Affiant has received specialized training in numerous Postal crimes, but primarily those involving "identity theft" and mail fraud related offenses. Affiant has attended training in the areas of check fraud, credit card fraud, and identity takeover schemes. Affiant has investigated hundreds of cases involving fraud, identity theft, and related "white collar" types of offenses. Affiant is authorized to obtain and execute Federal Arrest and Search Warrants.
2. The information set forth in this Affidavit is based upon Affiant's personal knowledge and/or information provided to Affiant by other law enforcement agents and officers, witnesses, and cooperating individuals the undersigned believes to be reliable and credible.
3. Because this Affidavit is being submitted for the limited purpose of supporting a criminal complaint, the Affiant has not included each and every fact known concerning this investigation. The Affiant has set forth only the facts believed to be necessary to establish that Hassan Ali Pejoughesh has committed violations of Federal law.
4. In May, 2007, Postal Customer Patricia Simon contacted the Postal Inspection Service that a Capital One credit card account was attempted but declined using her social security number and her date of birth, in the name of Patricio W. Simon, addressed to 6300 West Bellfort Apartment 718 Houston, Texas 77035. Affiant contacted Capital One Investigator John Reilly who provided Affiant a copy of the credit card application number 999291000099. The application listed Simon's social security number and the email address Patricio39@aol.com. Simon stated that the email was not hers.
5. Affiant requested subpoenaed records from America On Line (AOL) for the email address "Patricio39@AOL.Com" that was used to apply for Capital One account,

number 999291000099, in the name Patricio W. Simon. AOL provided a control account with the name "Spejouhesh" and sub accounts; "Sharoon73", "Patricio39", "Harpreet66", "Essayas52", "Pamcotexas", "Cmitexas", "Samhailu48". The subscriber account for the AOL account listed Sebastian Pejouhesh, 6300 West Bellfort Apartment 718 Houston, Texas 77035. The account was paid through Wells Fargo account number 629894899 in the name of Hope Elaine Hillick Canon. Affiant interviewed Canon who said that she did not authorize the AOL account payment on March 14, 2007 totaling \$14.95 from her Wells Fargo account 629894899. Affiant interviewed Bennington Square Apartment Manager Eva Mendoza and obtained the rental records for 6300 West Bellfort Apartment 718. The rental records listed Hassan Pejouhesh as having rented apartment 718 on November 29, 2004 but had moved. Affiant verified that Pejouhesh had been in the Harris County Jail for his third DWI from February 15, 2005, through October 3, 2006, after which his residence was unknown at that time.

6. Affiant also verified that Capital One account 4862 3671 4037 8425 was opened in the name of Helen Cuyoch, on November 27, 2007, using the address 13379 Fondren Road No. 5388 Houston, Texas 77085. The Capital One account record listed two \$242.00 ATM withdrawals on December 5, 2007 at the Chase ATM at 11310 Chimney Rock Road Houston, Texas. Chase Investigator R. Locke provided ATM video to Affiant of Hassan Pejouhesh in a maroon Nissan Pathfinder making these two deposits. The Nissan Pathfinder had its spare tire mounted on the outside of the rear door. Affiant interviewed Helen Cuyuch who stated that she did not open this Capital One account and that her social security number was used to open this account.
7. Affiant found other fraudulent address changes and bank accounts listing an address at 9002 Chimney Rock Suite G-141 Houston, Texas 77096. Affiant determined this address to be a UPS Store and interviewed the owner Lilburn Goodson concerning Box 141. Goodson said that on February 3, 2009, a person known to him as the box holder, Mohammad Dehghanian, came into the store and paid the rent for box 141 in the amount of \$60.00. Affiant presented a photo spread

that contained six similar photographs with one of them being Hassan Pejouhesh. Goodson chose the photo of Pejouhesh as the person who paid the rent for box 141. Goodson provided a copy of the receipt for payment for box 141. The rent was paid with Citibank credit card number 5424 1808 6272 5386. Affiant contacted Citibank Investigator Terry Gearhart concerning this transaction. Gearhart said the account was opened on May 31, 2008, in the name of Noe Bernal, at 6301 West Bellfort Apartment 156 Houston, Texas 77035. The telephone number on the account was 832/329-0117. A secondary card was issued to the name of S. Ali Pejouhesh H. Affiant interviewed Eva Bernal, Noe Bernal's spouse, who stated that they live at 6347 Ludington Street Houston, Texas 77035 and did not open Citibank account 5424 1808 6272 5386.

8. On September 9, 2009, Affiant interviewed Postal Customer Joseph Tangney via telephone. Affiant verified that the US Postal Service had received two Change of Address cards, both dated June 15, 2009, forwarding Tangney's mail from his true residence at 12303 Ella Lee Lane Houston, Texas 77077 and from his prior address at 3303 Wesleyan Street Houston, Texas 77027 to 13363 Fondren Road Houston, Texas 77085. Tangney stated that he did not forward his mail. Affiant contacted Discover Card Investigator Lisa Short and verified that Discover Card account, number 6011 0093 7149 2732, was opened on June 22, 2009, in the name of Joseph Tangney and Pejouhes A. Hassan with a credit limit of \$3,000.00. The email address on the account was cazares73@AOL.Com and the ANI telephone number was 281/558-5066. Also, a transaction listed on the account included a balance transfer check on July 29, 2009, totaling \$1,398.80 deposited into Wachovia Bank account number 1010236499199 in the name of Syed S. Bokhari. Tangney stated that he was unaware of this Discover Card account and the transactions.
9. On October 7, 2009, Affiant met with Wachovia Bank Investigator Duane Bramwell and Teller Cindy Perez. Bramwell had identified Perez as the employee who handled the transaction of depositing the Tangney Discover Card check, totaling \$1,398.90, into Wachovia checking account 1010236499199 in the name of Syed S. Bokhari on August 17, 2009

10. On October 16, 2009, Affiant was contacted by Sean Osborne, an employee at the The UPS Store 9002 Chimney Rock Suite G Postal Box 141 Houston, Texas 77096. Osborne stated that a Dell Computer had been delivered to box 141 and signed for by the person who opened box 141 and picks up the mail. Affiant presented to Osborne a photo spread that contained six similar photographs with one of them being Pejouhesh. Osborne recognized the photo of Pejouhesh as the person who signed for the package in the name of Mohammed Dehghanian. Affiant contacted Dell Investigator Rebecca Rocha who provided records that the Dell Laptop Computer cost \$700.00 and was ordered on Dell account number 68794501190388600320 in the name of Nasr Addin Abdo 13359 Fondren Road unit 14 Houston, Texas 77085. Rocha described the computer as a Studio 15 notebook with an attached identifying service tag HR1KWK1 on the bottom of the notebook. Rocha said Abdo's account was taken over on August 27, 2009, and the address was changed to 13359 Fondren. Affiant interviewed Abdo who stated that he did not open the Dell account and did not sign for the computer.
11. On January 15, 2010, Affiant again met with Wachovia Bank Investigator Duane Bramwell and Teller Sylvia Perez. Bramwell had contacted Affiant and stated that another deposit had been made into the Bokhari account in November 2009. Perez stated that on November 24, 2009, a \$3,450.00 Capital One Bank check, number 02041662, from the Capital One account in the name of Ascension Colmenares, was deposited into Wachovia checking account, number 101236499199, in the name of Syed Bokhari,. Teller Sylvia Perez identified Hassan Pejouhesh from a photo spread of six similar persons as the person who deposited the Colmenares check into account number 101236499199 in the name Syed Bokhari. Bank lobby video also showed Pejouhesh depositing the check. Perez also observed the vehicle that Pejouhesh drove away in after making the deposit and described it as a dark colored SUV with Texas license tag number 12J VR3. Affiant verified with the Texas Department of Motor Vehicles that license tag number 12J VR3 was registered to Hassan Ali Pejouhesh 12550 Whittington Drive Apt. 903 Houston, Texas 77077. Affiant interviewed Colmenares who stated that he did not open the

Capital One account or write check 02041662. Affiant has not been able to locate Bokhari. Affiant verified with the Social Security Administration Special Agent Gary Dickens that the social security number, 436-69-1419, used to open Wachovia Bank account number 101236499199, was issued to Jessica Nicole Bonner. Affiant verified with Capital One Bank Investigator Becky Young that Capital One check number 02041662 was counterfeit.

12. Affiant and Bramwell reviewed other deposit transactions into Bokhari's account. Bank video was reviewed of the account's deposits. Bank video revealed photos of Pejouhesh depositing four checks (including the Colemanares check) as follows:

<u>DATE</u>	<u>CHECK NO.</u>	<u>BANK</u>	<u>VICTIM</u>	<u>AMOUNT</u>
08/17/09	013908032	Discover	Tangney	\$1,398.90
11/24/09	02041662	Capital One	Colmenares	\$3,450.00
12/17/09	60221320	Chase	Kaur	\$4,778.80
12/17/09	60216696	Chase	Kaur	<u>\$4,550.00</u>
			Total	\$14,477.70

13. Affiant had submitted several of the fraudulent original handwritten US Postal Service Change of Address cards and bank correspondence in this case to the Harris County Sheriffs Office Latent Print Lab for fingerprint examination. On February 22, 2010, Latent Print Examiner Deputy L. Haley reported that Hassan Pejouhesh' fingerprints were found on three original documents. One was an original Change of Address card in the name of Postal Customer Grady Green, dated July 20, 2009, forwarding Grady's mail from 1918 Lamonte Lane Houston, Texas 77018 to 13359 Fondren Road Houston, Texas 77085. Affiant interviewed Kathy Green, Grady Green's wife, and confirmed they did not submit this Change of Address form to the USPS. The other two documents were related. One was an Enterprise Bank CD Renewal Notice, dated August 10, 2009, mailed to Estate of Harold Williams, James E. Mills, Executor, PO Box 741709 Houston, Texas 77274 (at the Demoss Postal Station) from Enterprise Bank. The third document was a handwritten note, dated August 15, 2009, that was mailed, along with the CD

Renewal Notice, back to Enterprise Bank, Customer Services 714 Texas Ave., Mart, Texas 76664. Enterprise Bank Manager B. Francis forwarded the documents to the Postal Inspection Service and to Affiant. The handwritten note requested the CD account's bank statements be mailed to 13359 Fondren Road Houston, Texas 77085. Affiant interviewed James Mills who said that he did not sign the handwritten letter or mail the letter.

14. On February 10, 2010, Affiant received subpoenaed telephone records from AT&T for the telephone number 281/558-5066. This number had been trapped by DiscoverCard Bank's ANI system accessing the fraudulent Joseph Tangney credit card account. A&T records listed the assigned subscriber as Hassan Pejouhesh 12550 Whittington Apartment 903 Houston, Texas 77077.
15. Affiant had requested a subpoena for records from America On Line (AOL) for the email address sebastian282@aol.com that was used to apply for a credit line increase on the fraudulent DiscoverCard account 6011 0006 9009 9936, in the name Francisco Castillo on March 22, 2010. AOL provided subscriber information as Ali Pejouhesh PO Box 36472 Houston, Texas 77236. AOL provided a control account with the name "sebastian282" and sub accounts; "Shrileen21", "Ngugi73", "Harpreet66", "Porter5821", "Cecilleo46", "Vahid502". The IP address listed on AOL account was 99.10.233.163.
16. On August 13, 2010, Affiant received subpoenaed records from AT&T Internet Services for the IP address 99.10.233.163. AT&T Internet Services records traced that IP address to 12550 Whittington Apartment 903 Houston, Texas 77077.
17. Affiant went to the Ashford West Postal Station and spoke with Mail Carrier C. Chaney who delivered the mail to 12550 Whittington Drive Houston, Texas 77077. Chaney said that Pejouhesh received his mail at One Ashford Place Condominiums in Unit 903. Affiant went to the mailbox at Unit 903 and the names written in the mailbox to receive mail at that address were Juana Aviles Gomez and Hassan Pejouhesh.

18. On September 13, 2010, Affiant conducted surveillance at 12550 Whittington Drive Unit 903 Houston, Texas 77077. Affiant observed a maroon Nissan Pathfinder with Texas license tag 155 TRF parked in the parking lot near Unit 903, with its spare tire mounted on the outside of the rear door, similar to the ATM photos of the two \$242.00 ATM withdrawals on December 5, 2007 at the Chase ATM at 11310 Chimney Rock Road Houston, Texas. Affiant also observed a blue Chevrolet Suburban bearing Texas license plate 12J VR3 parked in the parking lot near Unit 903. This vehicle plate matched the description by Wachovia Bank Teller C. Perez when Pejouhesh deposited a Capital One check on November 24, 2009 totaling \$3,450.00 into the Bokhari Wachovia Bank account. Affiant verified through Accurant's State of Texas Motor Vehicle Report that the 1993 Nissan Pathfinder was registered in the names of Ofelia Suyapa Cruz and Hassan Ali Pejouhesh PO Box 35838 Houston, Texas 77235. Affiant verified through Accurant's State of Texas Motor Vehicle Report that the 1998 Chevrolet K1500 was registered in the name of Hassan Pejouhesh 12550 Whittington Drive Apt. 903 Houston, Texas 77077.
19. Affiant contacted K. Boulos, Property Manager at KRJ Management, who manages the One Ashford Place property at 12550 Whittington Drive in Houston, Texas. Boulos said that F. Moreno owns Unit 903 and that he subleased Unit 903 to Hassan Pejouhesh in 2008 and also provided Pejouhesh's contact telephone number as 832/329-0117.
20. On September 22, 2010, Affiant obtained a Federal search warrant for Pejouhesh's residence at 12550 Whittington Drive #903, Houston, TX. On September 24, 2010, Affiant and other U.S. Postal Inspectors executed the warrant and located Hassan Pejouhesh at the residence. Inspectors seized credit cards and bank statements in various names, including the names of known victims in this identity theft investigation, as well as apparent stolen U.S. Mail in the residence. Pejouhesh gave written consent to search his vehicles and additional stolen U.S. Mail and other related documents were seized from the vehicle.

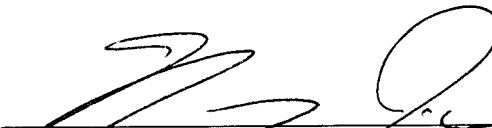


21. Affiant also recovered over \$22,000.00 in cash from Pejouhesh's bedroom, which Pejouhesh claimed belonged to a friend. A safe deposit box lease agreement from Capital One Bank was also found in the bedroom relating to Box #241 rented in the name Hassan Pejouhesh. Pejouhesh told Affiant that the box was his safe deposit box and it contained an additional \$10,000.00 in cash but he refused to give consent for Affiant to search the safe deposit box. Ken Cash, fraud investigator at Capital One Bank, confirmed Box #241 at the Royal Oaks Branch located at 11697 Westheimer Road, Houston, Texas, was currently rented in Pejouhesh's name.

20. Based on Affiant's personal observation, training and experience as a Postal Inspector, and the facts set out in this Affidavit, Affiant believes and has reason to believe that Hassan Ali Pejouhesh has violated Title 18, United States Code, Section 1341, Mail Fraud; and Section 1344, Bank Fraud.

  
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**Robert R. Fisher**  
**United States Postal Inspector**

Sworn and Subscribed to me this 24<sup>th</sup> day of September, 2010, and I find probable cause.

  
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**Honorable Nancy K. Johnson**  
**United States Magistrate Judge**